through this House. We have no objection to that. But the Andhra Bill is as important as any other business and I must say it is very important. It was for that specific purpose this session has been called and so, it is necessary that all the Members should have freedom of speech and should have every opportunity to speak on this Bill. I therefore suggest that at least two more days should be set apart for general discussion of this Andhra Bill and there should not be any time-limit for speakers to speak on the Andhra Bill.

Sri H. SIDDAVEERAPPA.—Anyhow, after this Bill is taken up, the Chair may be pleased to see the time at our disposal and then consider what should be done.

MYSORE POLICE (SECOND AMENDMENT) BILL, 1953.

Motion to consider.
(continued).

Mr. SPEAKER.—There are some amendments.

Sri H. SIDDAVEERAPPA.—Sri Rama Rao has tabled certain amendments. I do not know what the Hon'ble Member desires to do.

Sri M. V. RAMA RAO (Tumkur).— I entirely agree with the Home Minister that this amendment is very urgent and necessary, as he is trying to amend the law in conformity with the judgment of the High Court. But with great hesitation I must say that the most important point that I happened to raise the other day has not been dealt with in the report of the Select Committee and I am sure it must have happened because they were also hard-pressed for time and I myself did not have sufficient time to put my own points in concrete shape in the form of an amendment so as to assist the Select Committee to consider the points that I had raised. It was my desire to enable the Select Committee to examine the points I have raised by putting them in that concrete form, but by the time I was able to get all the Acts necessary for the purpose and do the thing, I found that the Select Committee has finished its labours. Therefore, Sir, I was compelled to put my amendments in the hands of the Secretary of the Legislature. I am sure, Sir, that if the Home Minister has no objection and examines the amendment, if I may say so, objectively, he will probably not find any reason to object to any part of it. In that view, I would suggest that the Home Minister as well as the Hon'ble Members of the Select Committee may peruse the amendment suggested by me in the light of the observations made in the Judgment of the High Court and then proceed to the consideration of this Bill to-day if necessary. In fact I am not objecting....

Sri L. SIDDAPPA (Channagiri).—Does he want the Select Committee to sit again and consider his amendments?

Sri B. NARAYANASWAMY (Mysore City South).—I raise a point of order. I would like to know if Sri Rama Rao is going to move his amendment.

Sri M. V. RAMA RAO.—I intend moving my amendment. There will be no doubt about that.

Sri MULKA GOVINDA REDDY.—I would like to raise a point of order.

Mr. SPEAKER.—Simultaneously there cannot be two points of order! (*Laughter.*)

Sri B. NARAYANASWAMY.—My friend Sri Rama Rao has moved certain amendments....

Sri M. V. RAMA RAO.—I have not yet moved them.

Sri B. NARAYANASWAMY.—I have in my hand certain amendments that have been tabled by Sri M. V. Rama Rao. Anyhow it is for the Hon'ble Speaker to see whether this amendment will come within rule 70 of the Rules of Procedure. Under Rule 70, when the report of the Select Committee is before the House, the only amendment that can be moved at this stage is that the Bill

(SRI B. NARAYANASWAMY.)

be moved, or circulated or recirculated. He cannot come forward with any other amendments which will be beyond the scope that is laid down under Rule 143 of the Rules of Procedure. My friend in his amendment has gone beyond the scope of the original amendment. He has tabled amendments under rules 4, 8 and 9. If only my friend had consented to be in the Select Committee, he would have done a very great service.

Sri L. SIDDAPPA.—Is the Member speaking on the Select Committee report ?

Mr. SPEAKER.—On the proposed amendment which is not yet moved.

Sri L. SIDDAPPA.—Then I submit his objection is not tenable. It is only when the Member proposes to move the amendment, he can do so.

Mr. SPEAKER.—I would request Sri Narayanaswamy to read rule 72.

Sri MULKA GOVINDA REDDY.—My point of order was that we have not yet decided whether we have to take up the Police Amendment Bill or whether we are going to discuss the Andhra Bill. I suggest that priority should be given to Andhra Bill.

ಶ್ರೀ ವಿ.ಆರ್. ನಾಯ್ಡು (ಮಲ್ಲೇಶ್ವರ) —ಸ್ವಾಮಿ ಈಗ ಸಭೆಯಲ್ಲಿ ಚರ್ಚೆಯಾಗುತ್ತಿರುವುದನ್ನು ನೋಡಿದರೆ ಸಭೆಯ ಕಾರ್ಯಕಲಾಪಗಳು ಇನ್ನೂ 3-4 ದಿವಸಗಳು ಮುಂದಕ್ಕೆ ಹೋಗುವಂತೆ ಕಾಣುತ್ತದೆ. ಆದರೆ ಇತ್ತೀಚೆಗೆ ಬೆಂಗಳೂರಿನಲ್ಲಿ ಕಾಲರಾ ಉಪದ್ರವ ಬೇರೆ ಪ್ರಾರಂಭವಾಗಿದೆ. ಅನೇಕ ಸದಸ್ಯರು ಹೊರಗಡೆಯಿಂದ ಬಂದು ಇಲ್ಲಿ ನಿಂತಿದ್ದಾರೆ. ಆದ್ದರಿಂದ ಈ ಸಭೆಯ ಕಾರ್ಯಕಲಾಪಗಳನ್ನು ಬೇಗ ಮುಕ್ತಾಯ ಮಾಡುವುದು ಒಳ್ಳೆಯದು.

Sri L. SIDDAPPA.—The Hon'ble Member seems to scare us !

Sri H. SIDDAVEERAPPA.—The Police Amendment Bill may now be taken up for consideration.

Sri MULKA GOVINDA REDDY.—What about the debate on Andhra Bill ?

Sri H. SIDDAVEERAPPA.—That depends upon the time we take for this Bill. We shall see the passage of the Bill and then come to some conclusion.

Sir I beg to move :

"That the Mysore Police (Second Amendment) Bill, 1953, as reported by the Select Committee be taken into consideration."

Sir, in pursuance of the decision of this Hon'ble House, the Select Committee sat for a considerable time and took note of the several points raised by the Hon'ble Members during the course of the debate, more particularly the points raised by my friend Sri Rama Rao. We examined every aspect of the criticisms levelled against the provisions of this Bill. The Select Committee went through the Bill clause by clause, phrase by phrase and word by word, if I may say so and then came to the conclusions as noted in the report. Sir, in Clause 4, an amendment has been proposed by the Select Committee. The reason why that amendmennt has been proposed may be seen if one looks to the original clause as it stood. According to original clause, it was suggested the words "gambling or wagering" may be substituted by the word 'gaming'. It was also brought to the notice of this House by some Members and more particularly by Sri Rama Rao that the word 'gaming' is also found in the previous edition. As to exactly when this change was brought about and what was the amendment and in what year it was made it was not possible to trace.

And therefore, to err on the safer side, to set at rest all these inconveniences, the Select Committee thought that, if the present Clause as it stands in the Act is substituted by a new Clause, it takes away all the doubts, it clears away all these doubts. It is by way of abundant caution the Select Committee has suggested the following amendments. In effect, it means the same thing as is now desired. Instead of saying that some words will have to be substituted we have said that the entire Clause may be recast or be substituted. That is the change that has been made in

Clause 4 and that is the reason why that amendment is proposed.

With regard to penalty Clause, you were pleased to observe that the penalty proposed is rather severe, rather deterrent and that if we fix this minimum penalty as is to be found in this proviso (a), (b) and (c) in Clause 5 it may work hardship. In the Bombay Act the same provisions as we find here are to be found. The reason appears to be that unless and until the penalty is such as to deter those that are accustomed to these kinds of games and commit these kinds of offences, the desired effect may not be forthcoming. It is our common knowledge that in the case of, for instance, prohibition offences, *i.e.*, offences relating to the Prohibition Act, it is to be found that in some cases the penalty, it is said, is not severe enough as to deter those that commit these kinds of offences. One of the reasons commonly given to me by the Police Department is that however much we try to detect these cases and however much we try to place a number of charge-sheets, the penalty is not so severe as to deter those that commit those kinds of offences. I only said it by way of analogy. If gambling is an evil, if gaming is an evil and if it has to be effectively controlled, I suppose there is no difference of opinion so far as this point is concerned and I suppose it is the unanimous opinion from all sections of the House that we have to impose deterrent punishment, but it was thought desirable by the Select Committee that we may have to be considerate so far as the first offence is concerned. It was said that, so far as the first offender is concerned, a chance may be given, an opportunity may be given to him to rectify his ways; in other words, an opportunity may be given to him to repent so that he may be weaned away from that kind of offence. Therefore, the Select Committee thought it advisable to omit item (a) in the proviso which stands as follows: "(a) for a first offence such imprisonment shall not be less than one month and fine shall not be less than two hundred rupees." We thought that this may as well be left to the discretion of the Magistrate; we thought that he may exercise his discretion, that he may try to impose that quantum of punishment as he feels necessary. But so far as those that commit the second, the third and subsequent offences are concerned, the Select Committee thought that we must be sufficiently hard to deal with offenders of that type. Therefore, we thought that Clauses (b) and (c) may remain as they are, getting such consecutive amendments and making them (a) and (b) respectively. The Select Committee found that this slight change, although it is substantial, is necessary. Hence the Select Committee has recommended in the manner in which the report is now in the hands of the Hon'ble Members. There is also a slight amendment in the Explanation. As it now stands, Explanation 1 reads as follows:

> "....although no gaming was actually seen by the Magistrate or the police officer or by any person acting under the authority of either of them."

Instead of the word 'acting' we have substituted the word 'assisting'. The reason is this. The Select Committee thought that if the word as it stands is allowed to stand, some non-officials may be called upon by the Magistrate to perform that duty. They thought that it may be advisable that any man who acts should not be given equal powers with that of the Magistrate and it was also thought that whoever may go to that house for purposes of search and all that, only two officers must be empowered to discharge the function as mentioned in Explanation 1, that is the police officer or the Magistrate. If anybody goes there, it must be only to assist but not to perform the main function as is required under Explanation 1. The Select Committee thought that the substitute of this word by the word 'assisting' will bring about that

(SRI H. SIDDAVEERAPPA.)

desired change. I am happy to say that the Select Committee gave a unanimous report. It was a report which is well thought out. It is my duty to thank the members of the Select Committee for having helped me to come to this conclusion. I move that the Bill be taken into consideration.

Mr. SPEAKER.—Motion moved:

"That the Mysore Police (Second Amendment) Bill, 1953 as reported by the Select Committee, be taken into consideration."

Sri M. V. RAMA RAO.—I entirely agree with the Home Minister in respect of all that he has said on the content of the Select Committee report. I would go further and say that the members of the Select Committee have, at very short notice and with the very limited time available to them for dealing with this matter, done their best; I am very anxious not to be understood as making any suggestion that the members of the Select Committee have not done justice to the task to which they were entrusted. As a matter of fact, if there was any important reason for my declining to serve on the Select Committee it was exactly this time factor. Because I made it my business to look into all the relevant Acts within the time available to me, I could know that unless those who propose to deal with this matter give themselves sufficient time and are in a position to examine the relevant sections of the four inter-connected but separate legislative enactments, namely, the Police Act as amended up-to-date before this Bill was brought; the Betting Tax Act of 1932, section 12 of which has amended, as a matter of fact introduced the definition of, the expression 'gaming' in the Mysore Police Act, 1908; thirdly, Act XXVII of 1951 (the Mysore Lotteries and Prize Competitions Control and Tax Act, 1951); and fourthly, Act VIII of 1902 (the Mysore Race Courses Licensing Act), it is inevitable that a more or less abstruse and highly legalistic debate on the probable effects of amending the one or the other clause or section in any of these enactments should be really somewhat tiresome to a House which has up to this point of time been debating a much more interesting and if I may say so, colourful measure like the Andhra State Bill. But, as I said, I am anxious that the object which Government have in bringing forward this measure should be adequately fulfilled and that no loophole should be left and that the very thing which Government wants to incorporate in the Police Act should not be lost sight of by reason of any notions of, if I may say so with very great respect, the prestige of the Select Committee which examined the provisions. I am making a very earnest and serious appeal to every member of the Select Committee in particular and to all the members of this House generally and more especially to my friend the Home Minister who, I am sure, is no less anxious than I am to see that Government legislation does not suffer by reason of our haste in the matter of amending legislation. I am not making any reflection whatever on anybody in the matter of the haste or urgency with which this measure is proposed to be brought here. When a sufficiently important matter arises, it becomes certainly necessary to treat the time factor as of the first importance and to deal with a measure with the urgency that it deserves.

The Select Committee have dealt with, as has been stated in the Report, clause 4. It is said that clause 4 has been recast without affecting the substance of the amendment proposed. I entirely agree because this matter really relates to clause (i) of section 56 of the Police Act where for the words 'gaming or wagering' the word 'gaming' is to be substituted. That is really the point that has been raised in respect of clause 4.

(SRI M. V. RAMA RAO.)

in at least two out of the three judgments of the High Court of Mysore which have occasioned the amendment of this particular part of the law, we have to remember that the Betting Tax Act and the Prize Competitions and Lotteries Control and Tax Act which are enactments of our State have, as the corresponding Acts in those States, different enactments in which the provisions which are to be found in these Acts of ours are not to be found and therefore it is necessary for us to add just one other explanation to this definition of 'gaming' coming in clause 2 of this Bill and that is what I have really suggested. The existing Explanation says :

> "For the purposes of this definition, wagering or betting shall be deemed to include the collection or soliciting of bets, the receipt or distribution of winnings or prizes, in money or otherwise, in respect of any wager or bet, or any act which is intended to aid or facilitate wagering or betting or such collection, soliciting, receipt or distribution."

Now, Sir, the House would be interested to know that the expressions "Wager", "wager and bet" and "wagering and betting" have not been defined. We have to know and recognise that these expressions properly belong to the common law of England and have been put into current use in our country because we have the British system of law and legislation in this country for over a century with all its advantages and its disadvantages. Now, if my friend the Home Minister will look into the Betting Tax Act, he will find that 'wagering' and 'betting' are defined in such a way as to make it appear very curious to a layman. As a matter of fact, to the best of my recollection, because I have not got the Act here, the definition is to this effect. 'Wager includes bet' and 'wagering includes betting'. That is how it is defined.

* Sri H. SIDDAVEERAPPA.—In which Act ? Is it the Betting Tax Act of 1932 ?

Sri M. V. RAMA RAO.—I think so.

Sri H. SIDDAVEERAPPA.—So far as I can see there is no definition of wagering in the Betting Tax Act of 1932. But there is a definition of gaming. I invite the Hon'ble Member's attention to Section 12 which in turn amends the Mysore Police Act, Section 4, wherein the definition of gaming has been included. It has been defined that :

> "Gaming does not include a lottery but includes wagering or betting or a horse race.
>
> *Exception.*—Wagering or betting on a horse race is not gaming when such wagering or betting takes place—
>
> (i) on the date on which such race is to be run ; and
>
> (ii) in a place or places within the race enclosure which the authority controlling such race has, with the sanction of the Government, set apart for the purpose."

This is all what Section 12 says in the Act referred to by my friend, namely, "A Regulation to provide for the imposition of a Tax on certain forms of betting."

Sri M. V. RAMA RAO.—I am very grateful to the Home Minister for having read out that section. However, I did not say that it was section 12 of the Betting Tax Act of 1932 which defined this expression in the manner I was describing. Sir, I am anxious to avoid all points of debating skill and to confine myself exclusively to assisting the Government to pass this legislation in a satisfactory manner and therefore I shall content myself with saying that the expression 'wagering and betting'

10 A.M.

I am sure, Sir, the Home Minister has found that the word 'gambling' which he said was to be found in a particular copy of the Act was probably a mistake and the original words were 'gaming and wagering'! But I propose to leave that matter alone. As a matter of fact, as the Select Committee has very wisely suggested, clause (i) itself is going to be substituted by a new clause (i) in which this controversy and this doubt are both very satisfactorily set at rest. I must compliment the members of the Select Committee on the very wise manner in which they have dealt with that point without being compelled to investigate how or why that particular word came to be found in one of the copies of the Act.

Sir, the other clause with which the Select Committee have dealt is clause 5. There, the change made is the deletion of item (*a*) in the proviso, and, another change that has been made is the changing of the word 'acting' to 'assisting'. I entirely agree with the Home Minister that these changes do make for considerable improvement in the Bill. But may I say that the point that I raised with reference to the definition of 'gaming' as contained in clause 2 and the point that I raised with reference to the omission, proposed omission, of sub-clauses (ii) and (iii) of clause (*e*) of sub-section (1) of section 2 of the Mysore Lotteries and Prize Competitions Control and Tax Act of 1951 contained in clause 7 of this Bill have, if I may say so with great respect, been lost sight of by the Select Committee? I am certain, Sir, that this must have happened because, firstly, I could not be present in the Select Committee or before the Select Committee to put these points before the members of the Select Committee; secondly, the limitation of time available for this work made it impossible for me to put my points in the shape of a concrete amendment in the hands of the Select Committee for their examination; and thirdly, it must have happened because the authorised transcript of the speech I made on this Bill before it went to the Select Committee was probably not available to the members of the Select Committee at the time they dealt with this matter.

Sir, if my friend the Hon'ble the Home Minister and my friends who were on the Select Committee will bear with me, I shall be able to convince them without leaving any doubt and without raising any controversy of any kind that the amendments which I have suggested not only do not run counter to anything suggested by the Select Committee but also go a little further and make the amending Bill very nearly perfect, if such a thing may be said of a legislative enactment. It will be seen, Sir, that with respect to clause 2 of this Bill, the definition of 'gaming' in the Police Act contained in clause (i) of section 4 was really originally introduced by section 12 of the Mysore Betting Tax Act of 1932. There, 'gaming' was defined as 'gaming does not include a lottery but includes wagering or betting on a horse race' and an exception was made which says, 'wagering or betting on a horse race is not gaming when such wagering or betting takes place on the date on which such race is to be run, etc." Now, it is proposed to elaborate the definition of 'gaming' and I am entirely in agreement with all that is contained in clause 2 of this Bill which seeks to improve and elaborate and widen the definition of the expression 'gaming'. I am entirely in agreement with the proposal to make the definition of 'gaming' conform to the scope, meaning and extent which that expression possesses in similar or corresponding enactments of other States. But may I bring to the notice of the Government and this House that while it is true that 'gaming' has been defined in very much the same manner in those enactments to which references have been made

which has been defined in that very Act—I am afraid I am at a disadvantage because I do not happen to possess a copy.

Sri H. SIDDAVEERAPPA.—I will send it on to the Hon'ble Member if he wants to peruse. In the meanwhile, I have got all the Acts referred to by the Member.

Sri M. V. RAMA RAO.—I think that the expressions 'wagering' and 'betting' have been defined in one of the Acts. I am afraid my memory is not serving me as efficiently as books would serve.

Sri H. SIDDAVEERAPPA.—If I may interfere for a minute. This question was discussed elaborately in the Select Committee; we came to the conclusion after looking into several Acts, that these two words have not been defined anywhere, but the connotation is to be found from the Common Law of England and they contained certain well defined meaning. Even in the Contract Act they have not been defined. Only 'wagering contract' has been defined but not 'wagering'.

Sri L. SIDDAPPA.—'Wagering' is used in the body of the Act but nowhere has it been defined in any one of those four enactments.

Sri M. V. RAMA RAO.—Sir, I shall point out presently that it has been defined in one of those four enactments. I stand committed to the position before this House. I shall refer to it presently, but I do not propose to spend the time of the House before I equip myself with the copies of the enactments. I shall proceed with my point and that is, while I entirely agree that sub-clause (i) of clause (2) of the Bill in which no amendments have been suggested or made by the Select Committee may remain, I would suggest that the definition of 'gaming' could be improved by adding another explanation to the effect that 'wagering' shall also be deemed to include a Competition or transaction in which prizes are offered for forecasts of the results either of a future event or of an event the result of which is not yet ascertained or generally known". This, it may be observed by the Home Minister, is really the inclusion of something which this Bill proposes to omit in clause 7 of the Bill. Clause 7 of the Bill deals with the omission of sub-clause (ii) and (iii) of clause (*e*) of sub-section (i) of section 2 of the Mysore Lotteries and Prize Competition Controls and Tax Act.

Sri A. BHEEMAPPA NAIK (Molakalmuru).—The thing to which the member referred to is contained in Regulation 9 of 1932. 'Bet' includes wager and 'Betting' includes wagering. That is stated in clause 2 of this Regulation to provide for the imposition of tax on certain forms of betting.

Sri M. V. RAMA RAO.—I must thank my friend Sri Bheemappa Naik for having assisted me by pointing out the reference to this clause.

Sri A. BHEEMAPPA NAIK.—It is my neighbour Sri Chennigaramiah who pointed it out to me.

Sri H. SIDDAVEERAPPA.—I, in turn, helped them in presenting this Book.

Sri M. V. RAMA RAO.—I shall thank all the three Members of this House in equal measure for the assistance they have rendered to me and to the House.

Mr. SPEAKER.—It pleases me most because there is full co-operation on all sides of the House.

Sri M. V. RAMA RAO.—There is, Sir, undoubtedly; there need be no doubt about that point. Sir, if my friend will now advert to the proposed deletion contained in clause 7 of the Bill with reference to which also I must say that the Select Committee Report has made no suggestion, it will be seen that the definition of 'Prize Competition' is proposed to be modified by the omission of sub-clauses (ii) and (iii) of clause (*e*) of sub-section (1) of section 2 of the Act XXVII of 1951. If clause 7 is not elaborated or amended in the manner suggested by me during the course of my speech earlier in the

(SRI M. V. RAMA RAO.)

debate on this Bill and more concretely in the manner suggested by me in the amendment of which I have given notice, then what will happen is that the definition of a 'Prize Competition' will remain as "Prize Competition includes Crosswords Prize Competition, Missing Words Prize Competition, Picture Prize Competition, Number Prize Competition or any other Competition for which the solution is prepared beforehand by the promoters of the Competition or for which a solution is determined by lot". That is how it will remain. I am sure the Home Minister will agree that I am not making any mystery of the point contained in clause 7 of this Bill. The definition of 'Prize Competition' which is deprived of sub-clauses (ii) and (iii) of clause (*e*), will make the position not only not free from doubt but a little more uncertain than it now is. The learned Judges of the High Court have dealt somewhat elaborately with the definition of 'Prize Competition' and the expression 'includes' used in the definition.

Now Sir, Section 8 of this very Act XXVII of 1951 goes on to say: "A Prize Competition shall not be deemed to be an unlawful Prize Competition if a licence in respect of such competition has been obtained by the promoters thereof". It is a most extraordinarily worded section to be found in a penal enactment like this measure. Then 'Prize Competition' which has been defined in clause (*e*) has been found not to meet the case of Satta or gambling in Cotton Futures. What my friend, the Home Minister proposes to do is to omit sub-clauses (ii) and (iii) and retain Section 8 to which no reference, of course, is made in the Bill but it is for us to consider with great earnestness, if I may say so, what will be the effect of retaining Section 8 in the form in which it remains in this Act now? It must be remembered that Section 3 of this Lotteries and Prizes Competitions Control and Tax Act says "subject to the provision of this Act all Lotteries are unlawful". That is what is said in Section 3. But with respect to 'Prize Competition' there is nothing anywhere in this Act which either defines or indicates how and when a Prize Competition becomes unlawful. If the Act does not indicate clearly what an unlawful Prize Competition is, then the retention of Section 8 of this Act would not be reasonable, would not be in conformity with the object we have in amending the Police Act. If the issue of a licence by Government under Section 8 of this Act is to legalise any Prize Competition, then the deletion of sub-clauses (ii) and (iii) of clause (*e*) defining the expression 'Prize Competition' not only enhances the powers of Government in respect of licensing of Prize Competitions which is satisfactory in itself, but it also deprives the expression 'Prize Competition' of a certain meaning which is already there in the definition as it now stands; and it is for this reason that I have suggested not only that Section 8 should be recast with reference to the proposal contained in Clause (7) of the Bill but also that sub-clause (ii) of clause (*e*) should be omitted and sub-clause (iii) should be renumbered as (ii) and in sub-clause (ii) so renumbered, the words 'does not depend' should be substituted by the word 'depends'. If I can persuade the Home Minister and the members of this House to examine the effect of that amendment, they would all be satisfied that it does meet and fulfil the very object which the Government have, in bringing forward this measure. I concede, Sir, this discussion is not only dry and abstruse but it has also made it a little difficult by reason of cross references to legislative enactments, copies of all of which are not in the hands of every member of this House. This is a great disadvantage as I have reason to know and understand. The definition of 'Prize Competition', as Sri Anantaraman would like to know, will

remain, if clause (7) is not amended in any manner now as "a Crossword Prize Competition, Missing Word Prize Competition, Picture Prize Competition, Number Prize Competition or any other competition for which a solution is prepared beforehand by the promoters of the competition for which solution is determined by lot". Therefore, I suggest that instead of deleting the subsequent sub-clause (ii) and (iii) let us delete sub-clause (ii). That is necessary because the contents of sub-clause (ii) have been shifted on to Explanation 2 which I have suggested under clause (2) of the Bill in the definition of the word 'gaming'.

10-30 A.M.

Now, these enactments are so interconnected that to make our definition of 'gaming' satisfactory, we have to add that Explanation. Because, it is quite clear that any competition in which prizes are offered for forecasts of the results either of a future event or of a past event the result of which is not yet ascertained or not yet generally known comes under 'gaming'. But, if you are going to omit sub-clause (ii) of clause (*e*) and do not propose to add it to the definition of 'gaming' as Explanation 2, you are missing the very thing which you want to bring in. I do not know if I have made myself quite clear to my friend, the Hon'ble the Home Minister, but I should like to impress on his mind the reasonableness of what I am saying. We want that the definition of 'gaming' should be so amended as to bring this 'satta' gambling and Cotton Gambling within the ambit of the law. That is what the High Court Judges have observed as being necessary and that is also the declared intention of the Government. If that is so, what objection can there be to shift this sub-clause on to the definition of 'gaming' and incorporate it there as Explanation 2?—"Any competition in which prizes are offered for forecasts of the results either of a future event or a past event the result of which is not yet ascertained or not yet generally known." This is the very definition of gambling in 'Cotton Futures', if I may say so with great respect to the learned Judges who delivered those judgments. This is a thing which does cover the 'Cotton Futures' gambling and the 'Satta' gambling. What is 'Satta' gambling'? 'Staking money on the probable second and first digits of the decimal part of the figure' which is supposed to represent the ruling price in the New York Cotton Market. Now, people who stake their money do not know what the ruling price is likely to be on a particular day with reference to which they stake their money; and therefore, it amounts to betting on the "forecasts of the results of a future event or of a past event the result of which is not yet ascertained or not yet generally known." In respect of the ruling rate in the New York Cotton Market yesterday night or yesterday evening this gambling respects a past event the result of which is not yet generally known because of the time factor necessary for making communication from New York to India. Still it is covered by the definition because though it is a past event, the results even if ascertained, are not yet known to those who stake their money and engage themselves in betting. With reference to betting in respect of the ruling price in the Cotton Market on a future day, the definition most exactly covers that case: "Any competition in which prizes are offered for forecasts of the results either of a future event or of a past event the result of which is not yet ascertained or not yet generally known". The difficulty felt by the learned Judges who dealt with this matter in that Criminal Revision Petition was that this definition is not contained in the Police Act which defines 'gaming' but it is contained in sub-clause (ii) of clause (*e*) as the definition of 'Prize Competition,' which is the definition given in the Mysore Lotteries and Prize Competitions Control and Tax Act, 1951; it was not under any of

(SRI M. V. RAMA RAO.)

the provisions of this Act that those proceedings arose and therefore, it was not possible in the circumstances to employ this definition in order to determine whether such gambling and cotton futures betting did or did not amount to 'gaming'. Therefore, I say we shall now have done what the High Court wants the Legislature to do, namely, fill up the lacuna in the definition of 'gaming' as given in the Police Act by adding to it a part of the definition of 'Prize Competition'. As Government propose the deletion of this and the other sub-clause, they do not want them in this Lotteries and Prize Competitions Control and Tax Act. I entirely agree with them that that is so. But I suggest that if we do not incorporate this as Explanation 2 to the definition of 'gaming' that is contained in clause 2 of the Bill, we shall have failed in our duty to amend the law in the manner as suggested by the High Court and in the manner envisaged by the Government. Therefore, I suggest that this sub-clause (ii) should be deleted from clause (*e*) as proposed by the Government in clause 7 of the Bill and that the content of it transported as Explanation 2 to the definition of the expression 'gaming' contained in clause 2 of the Bill. I am really proposing nothing either revolutionary or mysterious or clever. It is merely a humdrum process. This Amendment of the Law is the most uninteresting of things unless a man happens to be interested in it professionally. Sir, that is with respect to sub-clause (ii) of clause (*e*) relating to 'Prize Competition.'

It is also proposed in clause 7 of the Bill to delete sub clause (iii). Now what will be the effect of the deletion? I have just explained what will be the effect of the deletion of sub-clause (ii) and I have suggested that the deletion may be made but that the content of it be taken over and included in the definition of 'gaming' as Explanation 2. Now the deletion of sub-clause (iii) is, I must say, an equally important matter because sub-clause (iii) of clause (*e*) in the definition of "Prize Competition" says . . . "Any other competition success in which does not depend to a substantial degree upon the exercise of skill". A 'Prize Competition' now includes "any other competition in which success does not depend to a substantial degree upon the exercise of skill". If we want to omit that, what will be the effect? The definition of "Prize Competition" will be left high and dry because it will consist only of what is contained in sub-clause (i) but the provisions of Section 8 of this Act XXVII of 1951 still leave in the hands of Government the authority to make an unlawful Prize Competition lawful merely by the issue of a licence . . . .

Sri H. SIDDAVEERAPPA.—Provided it comes within the definition of "Prize Competition" and not otherwise. I cannot issue a licence for everything. Provided it comes within the definition.

Sri M. V. RAMA RAO.—Therefore, I say if my friend, the Home Minister will read Section 8 of the Act, he will find that a Prize Competition such as has been defined here, shall not be deemed to be an unlawful Prize Competition if a licence in respect of such competition has been obtained by the promoters thereof.

Sri H. SIDDAVEERAPPA.—Now as it stands, the Government have power to issue licences to all those three categories provided they are Prize Competitions as defined in sub-clause (*e*). Now the effect of the amendment would be that we have power to issue a licence for those categories of cases that come within (*e*) (*i*) as it now stands and I will be deprived myself-- it is a self-denying ordinance as it were--of the power of giving licences to those classes of cases that would otherwise come under sub-clauses (ii) and (iii). The effect would be restricting or curtailing, rather than expanding existing powers.

Sri MULKA GOVINDA REDDY.—Sir, why not we meet after lunch?

Mr. SPEAKER.—We shall now rise for lunch and meet at 11-15 A.M.

The House adjorned for lunch at Forty-five Minutes past Ten of the Clock and reassembled at Twenty-five minutes past Eleven of the Clock.

[Mr. SPEAKER in the Chair.]

Sri M. V. RAMA RAO.—Sir, I was dealing with the necessity for changing the definition of 'Prize Competition' so as to include competitions success in which depends on the exercise of skill. I was saying that such prize competitions should also be subject to the licensing authority vested in Government under Section 8. I further suggested that Section 8 should be changed in form so as to remove certain doubtful features which are contained in it as it now stands. As it stands, "A prize competition shall not be deemed to be an unlawful prize competition if a licence in respect of such competition has been obtained by the promoter thereof." This, as I said and I should say now, would be highly unsatisfactory since it has nowhere been defined when, how and why a prize competition becomes unlawful which it can be made lawful by the issue of a licence in respect of it by the Government. It cannot be claimed that mere *bona fides* on the part of Government or those who exercise the authority of Government at various levels would be sufficient to prevent an abuse of the authority vested in the Government under this section. If a prize competition is to be lawful, is to be considered to be a legitimate thing just because a licence has been obtained in respect of it, whatever may be its features, then, it would be a highly unsatisfactory state of affairs. It is no doubt true that Government do not up to this point of time appear to have abused the authority and power vested in them under Section 8. That is a matter Government can well take pride upon. Even so, now that we are dealing with prize competitions and we find that an unlawful prize competition has nowhere been defined, we ought to make the necessary change in the wording of Section 8 so that the Section should read: "No prize competition shall be permitted except under and in accordance with the terms and conditions of a licence granted under this Act. Why I suggest this change is, I want that Government should not deprive themselves of the authority to issue a licence and should satisfy themselves that every prize-competition for which a licence is sought is carried on strictly in accordance with the terms and conditions of the licence by which it is governed. Everything else success in which does not depend on the exercise of skill to a substantial degree is removed from the concept of a prize competition and is taken away and included in the definition of 'gaming'. Therefore, what remains will be competitions in which the exercise of skill to a substantial degree is necessary for success. I ask, why should Government deprive themselves of the authority to issue licences in respect of such prize competitions?

11-30 A.M.

My friend, the Home Minister put the proposition that he is actually enacting a self-denying measure seeking to curtail the power of licensing vested in the Government. Sir, I suggest to him that he need not do anything of the kind. I would earnestly invite him to consider the desirability of retaining all proper authority vested in the Government. It is not at all unnecessary to retain control and authority to license prize competition even in cases where the exercise of skill is a necessary ingredient in a substantial measure. I ask, why should Government wish to deprive themselves of that authority? Why do they want to forego licensing fees which they are going to get by the exercise of that authority? Will it not add to the revenues of the State? Why do they want to forego

(SRI M. V. RAMA RAO.)

the revenue which they derive by levy of licensing fees? I suggest that that authority should be retained. It is not necessary to curtail that power. In regard to licensing, the scope of Section 8 would be strictly limited after we have amended the definition of 'prize competition' in the manner suggested in clause 7 of the Bill. Whatever comes within the category in which success does not depend on the exercise of skill is taken out under 'gaming', and the exception made in the case of horse-racing stands not because of any general principle but because of a special and specific legislative enactment. Therefore, I am sure, the House will agree that the authority for licensing prize competitions should not only be retained by Government but must also be exercised in a very different manner and for a totally different purpose altogether from what is suggested and contained in Section 8 of the existing Bill. It may perhaps be pointed out that any amendment of Section 8 would be beyond the scope of the present Bill because the original proposals contained in clause 7 of the Bill do not contain any reference either to Section 8 or to those other sections to which amendments of which I have given notice make a reference. Sir, if that should be a difficulty which will prevent the Government from dealing with this matter here and now, I do not propose that we need spend much time on the discussion as to the feasibility or otherwise of making these amendments. If I have succeeded after having taken up so much time of this House in convincing my friend, the Home Minister, my esteemed friends the members of the Select Committee who served in respect of this matter and other Members of this House, in any measure or to any extent of the necessity for making these amendments, I shall rest satisfied. I shall leave it in the hands of the Home Minister to overcome any procedural, technical or other difficulties so as to deal with this matter satisfactorily and to the full extent to which I have suggested that Government should go in this matter.

Sir, there is just one other point which I shall deal with before I resume my seat. That is, I am not quite satisfied with the proposed definition of 'gaming' contained in clause 2 of this Bill as it has emerged without any modification at the hands of the Select Committee; I am not satisfied with the omission of the ingredients contained in sub-clause (ii) of clause (*e*) to which reference is made in clause 7; I am not satisfied that those ingredients are not properly and specifically included in the definition of gaming. It is true that the explanation to this definition goes to say that " for the purposes of this definition, wagering or betting shall be deemed to include the collection or soliciting of bets, the receipt or distribution of winnings or prizes, in money or otherwise, in respect of any wager or bet, or any act which is intended to aid or facilitate wagering or betting or such collection, soliciting, receipt or distribution." It is just possible that this explanation does include wagering and betting on cotton future. But I would prefer that instead of leaving it to be investigated and discovered by a painful and tortuous process that betting and wagering on cotton futures is included in this Explanation, we should say so and that in a manner which will leave no doubt in the minds of any one who will read this definition. I therefore suggest that this Explanation be retained and that another Explanation be added in which the contents of sub-clause (ii) of clause (*e*) of sub-section (1) of Section 2 of the Mysore Lotteries and Prize Competitions Control and Tax Act, 1951, will be incorporated as Explanation No. 2. I do not think that this will unnecessarily restrict or limit the meaning or scope of the definition of 'gaming'. On the other hand, while it retains all the expanse and scope indicated in the First Explanation, it

will also make pointed and specific reference to the very thing for the prevention of which this definition is sought to be altered. Sir, certain Hon'ble Members of this House found fault with me for having made all my observations in English. I would like to conclude my observations by repeating in Kannada only two sentences which will give them the gist of what I have been labouring to explain in a foreign language.

"ಈ ಸಟ್ಟಾ ಜೂಜು" ಜೂಜಾಟವೆಂಬುದಾಗಿ ಪರಿಗಣಿಸುವುದಕ್ಕೆ ಪೋಲೀಸ್ ಆಕ್ಟಿನಲ್ಲಿ ಸೂತ್ರ ಸಮರ್ಪಕವಾಗಿಲ್ಲವೆಂದು ಹೈ ಕೋರ್ಟಿನವರು ಅಭಿಪ್ರಾಯ ಪಟ್ಟಿದ್ದಾರೆ. ಆದುದರಿಂದ ಆ "ಜೂಜಾಡುವುದು" ಎಂಬತಕ್ಕೆ ಸೂತ್ರದಲ್ಲಿ ಈ "ಸಟ್ಟಾ" ಆಟವನ್ನೂ ಸೇರಿಸತಕ್ಕದ್ದು ಎಂಬುದಾಗಿ ಒಂದು ತಿದ್ದುಪಡಿಯನ್ನು ಸೂಚಿಸಿದ್ದೇನೆ.

ಎರಡನೆಯದಾಗಿ, ಯಾವುದು ಜೂಜಾಟ ಆಗುವುದಿಲ್ಲವೋ ಮತ್ತು ಯಾವ ನ್ಯಾಯಸ್ಥಲದಲ್ಲಿ ವಿಜಯಗಳಿಸಬೇಕಾದರೆ ಕೌಶಲ್ಯ ಅಥವಾ ಬುದ್ಧಿವಂತಿಕೆ ಬಹುಮಟ್ಟಿಗೆ (ಅಥವಾ ಸಾಕಾದಷ್ಟುಮಟ್ಟಿಗೆ) ಅವಶ್ಯಕವೋ ಅಂಥ ನ್ಯಾಯಸ್ಥಲಗಳನ್ನು ರೈಸೆನ್ಸ್ ಪಡೆಯದೆ, ಮತ್ತು ಸರ್ಕಾರದವರು ವಿಧಿಸಬಹುದಾದ ಷರತ್ತುಗಳಿಗೆ ಒಳಪಡದೆ ಯಾರೂ ನಡೆಸಲು ಅವಕಾಶ ವಿರಕೂಡದೆಂದು ನನ್ನ ಅಭಿಪ್ರಾಯ. ಆ ರೀತಿ ಇದನ್ನು ತಿದ್ದುಪಡಿಮಾಡಬೇಕೆಂದು ನನ್ನ ಸಲಹೆ. ಇಷ್ಟೇ ನಾನು ಹೇಳಬೇಕಾಗಿರುವುದು.

Sri K. PATTABHIRAMAN (Kolar).—Mr. Speaker, first and foremost, as flattering references have been made to the labours of the Select Committee by my Hon'ble and most esteemed friend Sri M. V. Rama Rao, I should support my observations with a note of gratitude to him.

Sri M. V. RAMA RAO.—Not flattering but entirely merited.

Sri K. PATTABHIRAMAN.—At least complimentary. I really concede that my esteemed friend Sri of labour and thought. I am sure Rama Rao has extended a great deal the members of this House including the Home Minister would be very grateful to him, for one of the most important tasks with which we are charged, namely, of legislation is something requiring that much labour and thought should be spent on it and it should be not only facilitating our work but actually perfecting it. In that respect, I must concede that Sri Rama Rao has the palm of the day and the palm of honour from us.

Apart from that, there are one or two observations I should like to make and I would request Sri Rama Rao to bear with me and perhaps with the Select Committee and to understand and appreciate what exactly was weighing with us when we were putting our seal of approval to the report as it has emerged and as it has been placed before this House. I feel the Government felt like this, that a new menace arose in Bangalore and in other parts of the State, namely, in the words of the Home Minister, it was Satta or the O.C. game—opening and closing rates with reference to the cotton market of New York and so on. This was a new menace. Very rightly prosecution was launched and it went up before the High Court. The High Court after looking into the various penal provisions touching this menace, felt for one reason or the other that the laws as they were, the entire body of penal laws as they were, did not encompass this particular menace and there was not a particular penal statute upon which the Court could place its hand and say "Here is the offence committed; therefore we shall punish". Finding themselves thus in a case of this type for which the Court was not responsible, the Judges indicated that a direction should be given to Government in order to see that the entire penal law on this question in so far as the new menace was concerned, should be reviewed and wherever possible or wherever necessary, an amendment was made. If I have understood the Government's mind aright, the entire body of the penal laws are kept as such. There is no object whatever in disturbing the penal laws, all the several Acts referred to by my Hon'ble friend in any manner whatsoever except to find out where there was a particular lacuna and to set right the defect and thus instil hope in the Bangalore City and therefore this particular Bill came up

(SRI K. PATTABHIRAMAN.)

before us. I want to request my esteemed friend—not that I am holding brief for the Home Minister—he is doughty and wise and will just defend himself and I rise to speak for the report of the Select Committee to which I have put my seal of approval.....

Sri M. V. RAMA RAO.—I am not attacking the Home Minister.

Sri K. PATTABHIRAMAN.—Therefore I would request my friend to bear in mind one or two circumstances and find out how far we have been able to provide.

Now the concrete point that Sri Rama Rao has made in the course of his debate in respect of sections 8 and 9 of the Lotteries Act, which is in my view a very substantial objection, is that when the main amending Bill has never sought for an amendment of sections 8 and 9 of the Lotteries Act, an amendment in the course of this debate suggesting amendments to sections 8 and 9 of the Lotteries Act would perhaps be beyond the competence of the legislation which we are going to make when we are thinking of the Lotteries Act. Possibly, the force of the argument will be conceded and I expect and earnestly hope the Home Minister in his reply will certainly agree that what is sought to be secured by an amendment of sections 8 and 9 by my friend Sri Rama Rao is what has been in the mind of the Government and the Government, I am sure, will concede the position. But a technical difficulty or, shall I say, a very substantial difficulty, stands in the way of Government accepting the amendments in the present form. Possibly, if in the course of the working of the Act it is found that in the terms of Sri Rama Rao, amendment of sections 8 and 9 is imperative and also unavoidable, I hope the Government would come forward with an amending Bill in that behalf. Therefore, there is perfect agreement between Sri Rama Rao and the rest of the House and the Home Minister so far as sections 8 and 9 are concerned; there is greater range of agreement between them except for this technical difficulty which stands in the way. That, I think should satisfy Sri Rama Rao.

Now the two other suggestions that he has made are very important. We will have to consider them. One is, he insists upon the House to include the Explanation as stated in the copy of the amendment which has been placed in the hands of the Hon'ble Members of this august House. That has been numbered as Explanation No. 2. I appeal to Sri Rama Rao to appreciate the difficulty, there is a genuine feeling in the minds of some members that this Explanation 2, whatever be the good intentions, in respect of which there is absolutely no difference of opinion at all in the House, including the Home Minister if I would speak for him, was unnecessary and Explanation 1 itself was sufficiently wide. Now I will put the proposition in three sentences. The Satta menace has grown in Bangalore; they went up to the High Court. The High Court said that the law was not complete and therefore there was a defect that had to be set right. The Government comes forward with this Bill. If it can be said seriously and substantially that no provision has been made in the definition of 'gaming' that is to be found in the amending Bill of which notice has been given to this House to meet the menace, then I am sure we, some of us at least, will agree with Sri Rama Rao. If in the definition of 'gaming' as found now the growing menace of Satta in respect of which the High Court felt it was helpless, in the body of the penal statute as it existed was not met, if that definition was not complete, if it did not provide for Satta, I am afraid we would have conceded this position and requested the Minister to change his own front. In my opinion, the definition is all comprehensive, quite secure in regard to that and I would request this House to consider the definition,

particularly with reference to Explanation 1. Of course, in a way Sri Rama Rao has anticipated me and has anticipated us and tried to find out that the possible explanation that we could give in respect of this would not satisfy him. I am such a great optimist that I still hope I can induce Sri Rama Rao to reconsider the matter to take the Explanation to clause 2 of the Bill as has been placed before us. This is the Explanation:

> "For the purpose of this definition, wagering or betting shall be deemed to include the collection or soliciting of bets, the receipt or distribution of winnings or prizes, in money or otherwise, in respect of any wager or bet, or any act which is intended to aid or facilitate wagering or betting or such collection, soliciting, receipt or distribution."

My own humble opinion in this matter would be, this Explanation is very wide and very comprehensive. It is a general principle of the law of interpretation in regard to Statutes, where an Explanation is added, it could always give a restricted scope to the extended scope of the original definition. In other words, if the original Explanation is all comprehensive, by adding second Explanation, as proposed by him, it would restrict the scope and does not extend it. Second Explanation in my humble opinion, subject to correction by the Home Minister, would always amount to saying that what has had an extended nature in the first Explanation will get crippled, will get confined and restricted by the second Explanation now proposed by him.

Sir, my submission to this House and particularly to Sri Rama Rao is to request him not to insist upon this particular explanation being added. Speaking for my humbleself, I am satisfied with the definition of gaming as contained here with the explanation, which will provide for *satta* gambling. I request Sri Rama Rao to kindly consider his attitude again, and, if possible and if it commends itself, he may agree.

The next question and the more important question raised by Sri Rama Rao is this. Government have asked for the deletion of sub-clauses (ii) and (iii) of clause (*e*) of sub-section (1) of section (2) of the Prize Competitions Control and Tax Act, 1951, under clause 7 of this Bill. His contention is sub-clause (ii) as it stands would refer to *satta*, and the High Court has said, because proceeding in that particular case was under the Police Act and the Police Act did not make this an offence notwithstanding the fact that in another part of the law, *i.e.*, (*e*) (*ii*) in the Lotteries Act contained allusion to *satta* gambling, the High Court could not convince the man; therefore, they said that the Police Act should be amended. Sri Rama Rao says that (*e*) (ii) provides for *satta* gambling, but in this bill Government have asked for the deletion of this clause. If that is done, what it really amounts to is, that that particular offence goes out of hand. So Sri Rama Rao says—bring it back by making suitable provision in that particular provision instead of deleting it. With very great respect and without any disrespect to my friend, I have to say that I differ from him. That takes us to the two words which are germane, namely, wagering and betting. The definition of these two words has been advisedly omitted. I must congratulate the Home Minister because it would have been hazardous if he had attempted a serious definition of the two words, wagering and betting. In fact, this House will appreciate the historical background of this important question. The House knows and Sri Rama Rao knows that this was a question that arose out of the common law of England. In England, where many offences are since provided for in the Statute, these two words, betting and wagering, during the long history of penal legislation, have not been defined. There must be some strong reason for not doing so, which

(SRI K. PATTABHIRAMAN.)

must commend itself to this House. In regard to legal matters, we all swear by the British system of jurisprudence, by the common law tradition of hundreds of years. Nevertheless, if England should still think of maintaining these offences as common law offences and if they have never thought of bringing them under the Statute Book, there should be some strong reason. Possibly there is some kind of association of ideas which run behind these two words. Though the common man may not know the Statute, he still knows what exactly is law. For instance, the common man knows that *juju* (ಜೂಜು) is bad. His conscience will be pricking him when he plays *juju*. He has not read the statute; still he knows when he plays *juju*, that he is committing a wrong. That is what is called the common law tradition of England. It is that tradition that the Home Minister has tried to impart into this Bill. We agree with the Home Minister with regard to the definition of the two words wagering and betting that it is less said the better. Possibly, the words are understood better without being defined. In fact, my friend was at pains to say that the words were defined in the Betting Tax Act of 1932 by use of the word 'means', when the Hon'ble Sri Channigaramiah discovered for us that the word used was not 'means'. I concede to Sri Rama Rao that no attempt is seriously made in this Bill to define the words wagering and betting. It is not because our minds, those of us in the Select Committee, were not seized of it or that the Select Committee were not directed to it. But we did not do so deliberately. We felt that it would be better for the judiciary, the Courts to help us. After all, these two words have come up in some form or other before the several High Courts. Every one of us who has got into courts will find that these two words have come up through a long course of case law in the country. If today we define these two words and place it on the Statute Book, the entire body of the common law of England which is available to us will be lost to us, because there is always the danger, whenever a thing is reduced to a statute, its interpretation would be according to the statute and we would lose sight of the common law or the judgment tradition. In my humble opinion, the present definition is quite satisfactory. After all is said and done, there is one aspect of Sri Rama Rao's argument which appeals to me. If in working this, it is really found that the law is not clear, we shall make it clearer. That is an argument which I appreciate. Sri Rama Rao is not in substantial disagreement either with the Home Minister or with the Select Committee. He, as a lawyer, says that there is nothing wrong in making it clearer. After all it is not a substantial disagreement.

Then there is the third suggestion of Sri Rama Rao— if (*e*) (ii) and (*e*) (iii) are deleted, can there still remain (*e*) (i) ? There also I must request Sri Rama Rao to agree with us. Let me have a feeling that I am able to take Sri Rama Rao with us. I will be sorry if I am not able to convince him, and nobody will be more sad than my humble self.

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Now what is the position ? He says (*e*) (iii) is gone; (*e*) (ii) is gone and (*e*) (i) is left in tact. His apprehensions, I am afraid, may not be justified because as I was hearing my esteemed friend, the Hon'ble Home Minister the other day when he introduced this Bill in this House, he made one position very clear. Perhaps nothing could be clearer than that; (*e*) (i) is retained; (*e*) (ii) and (*e*) (iii) are merely excluded. By the deletion of (*e*) (ii) and (iii) nothing has been done in order to detract or substract from the entire effect contemplated in (*e*) (i). I do not think there is anything wrong by the deletion of (*e*) (ii) and (iii). I am glad that Sri Rama Rao is very

particular, as all members of this Party ought to be particular, about licensing power because of the finances which it brings to the coffers of the State. I am sure that argument will weigh being advanced by a member of the party in power as Sri Rama Rao is. But I feel that one consideration is not everything. The position of the Home Minister, if I have understood him correctly, is that the Government have power of licensing in certain cases; (*e*) (ii) relates to satta and so he does not want that because if it remains, it would give him power to license that also; he says : " don't clothe me with authority or power by which I can extend the privilege or concession and grant a license ; I must congratulate the Home Minister as being a very strong Home Minister. I do not want to take much of the time of the House. I would try to conclude by saying that the Home Minister will be able to enlighten me, Sri Rama Rao and the House much better in his own inimitable style. I would suggest to Sri Rama Rao to reconsider his decision and see that the Select Committee Report may be given a seal of approval. Regarding any lacuna in the Bill, perhaps they are not pointed out in any substantial measure but merely as ancillary to the arguments that Sri Rama Rao advanced. Therefore, I request this House including Sri Rama Rao to accept the Report of the Select Committee *in toto* and pass the Bill *nem com.*

Sri M. V. RAMA RAO.—I am not opposing the Select Committee Report. Sri Pattabhiraman perhaps did not understand my point clearly. I questioned how the operation of Section 8 would really work in practice if (*e*) (i) alone is retained. It is not sub-clause (i) of clause (*e*) of sub-section (1) of Section 2 that confers licensing power. It is Section 8 that confers the power of licensing to Government. A truncated and attenuated definition of ' prize competition ' that would be left in sub-clause (i) of clause (*e*) would make possible the abuse of licensing authority unless the Government make it their special business to keep an eye on this.

Sri K. PATTABHIRAMAN.—The question that has been posed to me is two-fold. One is directly to me and another is indirectly to the Home Minister. So far as the Home Minister is concerned, I am sure he will take care of himself and try to meet the points. So far as there is reference to me saying that I have not offered any satisfactory explanation, I feel so sad because all my labours of these 30 to 40 minutes have not carried conviction to Sri Rama Rao. Perhaps, I will make it more clear. I know the generosity of Sri Rama Rao towards me and towards this House. This is the position. By deleting (*e*) (ii), I do not clearly see anything would happen. So far as Section 8 read with deletion of (*e*) (ii) and (iii) are concerned, I have answered that it would not be within the competence of this Bill to amend Sections 8 and 9. Therefore, I thought, so far as Section 8 which clearly refers to power of licensing on part of the Government is concerned, there is already an assurance from the Home Minister on the last occasion that they were at it, and if need be, and perhaps there is need for him to clarify further. When he gives an assurance, he really means what he says. He said on the last occasion that he did not have any desire to have greater power of licensing than would be given in (*e*) (i). Perhaps the Home Minister would agree to amend Section 8, but the constitutional difficulty would be raised. In order to meet that kind of objection Section 8 may not be amended now. Even if we amend Section 8, if the intentions of the Government are not going to be carried out if sufficient vigilance is not forthcoming on the part of the Government, what prevents the executive from exercising the power of license even in the case of satta? We need not go to that extent. The object of the

(Sri K. PATTABHIRAMAN.)

amending Bill itself is in favour of the Government and in favour of the executive. If they really felt like this, probably nothing would be easier for them than to keep mum over this matter and they would not have come forward with this Bill at all. The object of this legislation is to check the new menace which in the words of Sri Anantaraman has resulted in the suicide of a very good lady who otherwise would have been one of the beautiful flowers of the human race. That is the object with which this Bill has been brought forward. I have already suggested that the Government, if need be, should not hesitate to bring forward an amending Bill to Sections 8 and 9. What about the interregnum ? Before the amending Bill is brought forward, if vigilance is not sufficiently forthcoming to check this menace, what about the interregnum ? I feel so far as the *satta* is concerned, one misapprehension may be once and for all removed root and branch from their mind. I am sure we will not concede and the Home Minister will not concede there is any measure of skill at all in this. That is clear. When there can be no ambiguity at all in that matter, there is no question of granting a licence to *satta* at all. In the present Bill in respect of that, fortunately and happily there is no corresponding provision. Even the interregnum has been provided for and I request Sri Rama Rao to accept the explanation in the spirit in which it is offered and try to reconsider his position.

Sri M. V. RAMA RAO.—I have supported the recommendations of the Committee in their entirety. I have not laid my finger of comment or criticism on any part of them. I have merely added to them. If what I have suggested by way of addition is not acceptable to the House, it is entirely in the hands of the House to decide. If the House is satisfied with the Select Committee Report and the Bill as amended and Government have no mind to amend the Bill further, I am not more anxious than the Government to amend the legislation. I have suggested amendments in order to enable them to deal with this menace. I am one with them and I cannot claim more interest than the Government themselves. There is nothing of the kind. I may assure Sri Pattabhiraman there is nothing I have said by way of adverse comment or criticism of the labour of the Select Committee or the results achieved there ; there is nothing of the kind. There was a little confusion in his mind.

Sri H. SIDDAVEERAPPA.—Before we proceed further, I would like to know whether there would be any time limit for the rising of this House this afternoon or whether the House in its generosity will be good enough to extend the time at least by half an hour.

Mr. SPEAKER.—At 12-30, I must take up those two questions for discussion. In view of the explanation given and rather so ably defended by Sri Pattabhiraman, do you think there is such a great necessity for you to make a lengthy speech ?

Sri D. DEVARAJ URS (Hunsur).—A point of explanation is necessary.

Mr. SPEAKER.—The Home Minister will be able to give a reply to all that.

*Sri D. DEVARAJ URS.—If I pose my point, he will be in a position to explain it properly. That is why I wish to speak a few words on this Bill. After hearing Sri Rama Rao, I must confess he was able to convince me at any rate. I do not know whether the House was convinced of the argument or not. I was convinced that the deletion of these two sub-clauses of (e) was not necessary. If it is to be deleted from Lotteries Act, it has to be added in the form of explanation to 'gaming' in this Bill. Because this clause (e) of sub-section (1) of section 2 of the Mysore Lotteries Act is the proper section

under which this Satta game can be controlled. That was his argument if I have understood him aright. But after hearing Sri Pattabhiraman, I must say he argued the other way. He was pleased to say that the deletion was quite in order and that Explanation was not necessary because the extended scope of the word 'gaming' would be restricted if the same was added. He further went on to say that by retaining this, we would be really giving scope for Government to give license under sub-clause (ii) of clause (e) which is to enable the Government, if they want to issue a license for even this Satta gaming. I am not able to say which of these explanations is possible. At one stage, it is stated that by removal, Satta gaming would be effectively controlled; at another stage it is stated that by removing sub-clause (ii) of clause (e), the Government will be restricting their powers; that is the argument. This I request the Home Minister to properly explain. Otherwise, the doubt certainly remains in my mind. My Hon'ble friend Sri Siddappa raised an objection that I being in the Select Committee should raise a doubt. Nothing prevents me to express a doubt after hearing both the learned members of this House. Both of them have argued ably and it is but natural for people like me who have not been lawyers at any rate, to get confused on this issue.

*Sri MULKA GOVINDA REDDY.— the Home Minister while moving this amendment made out a case that there is an urgent necessity to amend the Mysore Police Act. He stated that there was a case recently in the High Court and he has been obliged to bring this amendment to remedy a lacuna which has been pointed out in the High Court Judgment. It is for this very purpose I would like to speak. While making any law, as far as possible we must try to see that there is no ambiguity, there is no lacuna and that the definition which we want to give should be perfect. As has been stated and as was read out to us, there were different and differing Judgments in this particular case. Mr. Justice Balakrishnaiya held that the present penal law was quite enough to convict the offenders, whereas Mr. Justice Mallappa differed from the Judgment of Mr. Justice Balakrishnaiya and he said that there was lacuna, which was upheld by Mr. Justice Vasudevamurthy. So in order to rectify it and in order to see that no such thing occurs in the amendment that would be brought forward, I am inclined to agree to the addition of Explanation 2 as has been proposed by Sri Rama Rao.

Sri H. SIDDAVEERAPPA.— That has not been moved. I rise to a point of order. No amendment which has not been moved can be referred to. Sri Rama Rao never said that he referred to his amendment. He simply said that this was not what he wanted. He has not yet come to the stage of moving that amendment.

Sri MULKA GOVINDA REDDY.— I am speaking here for the purpose of supporting the amendment. I am finding fault with the Explanation that has been proposed by the Home Minister, which has been included in this Select Committee report. The Explanation falls short of what we want to rectify. We want to see that no Satta gambler goes scot-free.

Sri H. SIDDAVEERAPPA.— It covers all kinds of games that come under the Sun.

Sri MULKA GOVINDA REDDY.— My view is that it did not cover all the Satta business that is anticipated to be put out. Though Sri Rama Rao has not moved the amendment, I am inclined to say that it is necessary to define what 'Satta' is. In order to see that the people do not misunderstand the law, that the people understand the law perfectly and rightly, it is necessary that we should add a proper explanation to what has been said here. There is lacuna in the explanation

(Sri MULKA GOVINDA REDDY.)

given here; what exactly the High Court wanted, what exactly the Government wanted by moving this amendment has not been given in this explanation. The explanation should have been supplemented by another one which should include "a competition or transaction in which prizes are offered for forecasts of the results either of a future event or of an event the result of which is not yet ascertained or generally known."

Sri H. SIDDAVEERAPPA.—From what book you are reading?

Sri MULKA GOVINDA REDDY.—It is from the notes. So in that view of things, the explanation falls short of what we wanted to rectify. It is but necessary that further explanation should be added or the explanation given here must be amended; otherwise, we will not be able to rectify the lacuna that has been suggested.

*Sri H. SIDDAVEERAPPA.—I shall try to finish in five minutes. I am extremely sorry I have to deny myself the opportunity of meeting in greater detail the several points raised by my friend Sri Rama Rao. It should not be construed as meaning that neither I am incapable of meeting those points nor I mean no respect to the learned elucidation of the points raised by my friend Sri Rama Rao.

I am really thankful to Sri Rama Rao for the several points he raised for the consideration of the House. I am equally thankful to Sri Pattabhiraman, who has met almost all the points raised by my friend Sri Rama Rao, and he has left no doubt in anybody's mind. I fully reciprocate what he said. I may also add that there is some force, I am not far wrong if I say there is much force, in what Sri Rama Rao says regarding the definition of section 8. But, unfortunately, I cannot even consider amending that section in this law, because it runs counter to the practice of amending these laws and also it will be bad draftsmanship if I do. What is more, it may be even subject to legal—I may simply add at this stage that I shall reconsider the whole position if in the course of the Act being put into practice it is found that there are still some more sections which need amendment, including sections 8 and 9. As I said in the beginning, I want to make this fool-proof and knave-proof and leave no doubt for any plausible interpretation. As a matter of fact, I know what a great difference it makes if a comma is put in a place other than where it should be put. I shall certainly consider that aspect of the remarks passed by my friend Sri Rama Rao, namey, where sections 8 and 9 require amendment, I will examine. But, suffice it for me to say at the moment that I am not able to do anything on the lines suggested. Mr. Rama Rao said "why is this Government very particular of having a self-denying law? Why are they particular of deleting sub-clauses (ii) and (iii) of section 2?" I may at once say that if I had not done so, all my labour would be in vain. I am not interested in the revenues of the State. I am interested in the common man, that he is not subjected to those temptations. Most of the criminal tendencies that we find to-day are due to gaming and gambling. I want to make the position clear that except in specified cases, Government are not eager to issue any licence to anybody to run those kinds of games where the common man will be put to all kinds of inconveniences, will be reduced to all kinds of degradations and subjected to depradations. Sir, my friend Sri Rama Rao may be pleased to see that in the definition of prize competition as mentioned in section 2, the word advisedly used is 'includes' and not 'means'. That makes a world of difference. I am sure he knows that we have very advisedly used the word 'includes'. I am just referring to the judgment of Justice Sri Balakrishnaiya. This is what Justice Balakrishnaiya says in his judgment:

"'Includes' is very generally used in interpretation clauses in order to enlarge the meaning of the words or phrases occurring in the body of the statute; and when it is so used, these words or phrases must be construed as comprehending not only such things as they signify according to their natural import but also those things which the interpretation clause requires that they shall include. That the word 'includes' adds a species to the general clause is also the interpretation put upon the word by a Full Bench decision of Sind (A.I.R. 1928 S. 149)...."

It is with this object perhaps the word 'includes' is used in that definition. I may also add one more sentence which has been....

Sri M. V. RAMA RAO.—Justice Balakrishnaiya, whose judgment you read, found as a matter of fact that this definition did cover cases of satta and upheld the conviction.

Sri H. SIDDAVEERAPPA.—Sir, Hon'ble Members are aware that Section 66 of the Police Act very clearly says that even for mere games of skill, no licence need be taken. But there are no cases where any game is hundred per cent skill. It has been subject to a number of judicial interpretations. In this matter I did not refer to their Lordships' decision. It has been held that in any game there cannot be anything like hundred per cent skill. However skilful a man may be and however dexterous a man may be in a game of cards for example, an element of chance is there. There are some people who by simply feeling a leaf will be able to say what leaf it is. Nevertheless, even for such people, if they have to succeed or win, there is an element of chance. What is the percentage of skill or what is the percentage of chance, whether there is a preponderant element of skill or there is a preponderant element of chance, are all matters for judicial interpretation. Their Lordships in several courts have laid down what exactly is meant by lottery or any other game. There are any number of judicial interpretations.

I shall conclude by saying that the object with which I brought this legislation is in obedience to the direction issued by the High Court that this kind of gaming, *satta*, has become a positive nuisance to the country. If in the course of the working of this legislation, there is any other change that is required either in the Gambling Act or in the Race Courses Act or—there are four Acts which are to be taken into consideration—I assure the Hon'ble Members that I shall be the first to bring forward that kind of legislation that will satisfy the needs of the country. I may assure my friend that I will not keep any lacuna or any hiatus. I shall be very vigilant and try to do my very best. With this assurance, I hope my friend Sri Rama Rao will give his seal of approval and agree. I pray the House may be pleased to give its approval to this Bill.

Sri M. V. RAMA RAO.—What about Section 8 of this Act?

Sri H. SIDDAVEERAPPA.—I have already said, I will consider. There is no difference or disagreement between you and me.

Mr. SPEAKER.—He cannot do it now, because the form in which that section stands should be changed.

Sri H. SIDDAVEERAPPA.—I am satisfied that the form suggested by Sri Rama Rao is more acceptable. Today it is implied and tomorrow if any amendment is brought forward as suggested by him, I shall examine it carefully. It is explicit. There is no disagreement. There is no point of difference between him and me. I do not want to license anybody or any game which does not come strictly under that definition. The idea underlying is the full concensus of agreement. I may say I shall look into it.

Mr. SPEAKER.—The question is:

"That the Mysore Police (Second Amendment) Bill, 1953,

(MR. SPEAKER.)

as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. SPEAKER.—Now clauses. Clause 2. There is an amendment in the name of Sri Rama Rao.

Sri M. V. RAMA RAO.—The amendment of which I have given notice was referred to by Sri Pattabhiraman. I am moving this amendment to clause (2). The amendment is:

"that the existing explanation be numbered as (1) and the following added as Explanation 2.

"*Explanation 2.*—

"Wagering shall also be deemed to include a competition of transaction in which prizes are offered for forecasts of the results either of a future event or of an event the result of which is not yet ascertained or generally known."

Sir, in moving this amendment and offering it for the acceptance of the House, all that I should like to add to what I have already said is that this particular explanation instead of restricting and limiting the meaning of the expression "gaming" as was suggested and asserted by Sri Pattabhiraman and by the Home Minister, respectively, clearly specifies "Satta" while it does not take away anything from the scope of what is covered by Explanation 1. The mere fact that these words which were originally contained in sub-clause (ii) of clause (*e*) are to be omitted is not going to improve the position because unless the omission there by the deletion of sub-clause (iii) is compensated by the inclusion of this clause in the appropriate place where it should properly belong, we will not have completed the process of amendment which we all have in mind in common. I must say that the deletion of sub-clause (ii) of clause (*e*) which contains the words which I seek to put as Explanation 2, makes so much difference to the definition of 'prize competition' contained in clause (*e*), that it makes a very serious departure . . . .

12-30 P.M.

Mr. SPEAKER.—Now it is 12-30 P.M. The discussion on matters of public importance arising out of answers to questions will be taken up. One is by Sri B. Hutche Gowda to raise discussion in respect of question No. 86, 3rd set.

Sri MULKA GOVINDA REDDY (Chitaldrug).—He has not come. But I have signed.

Mr. SPEAKER.—You have only supported it. Next subject is to raise discussion in respect of Question No. 52 regarding extension granted to the Labour Commissioner by Sri R. K. Prasad.

DISCUSSIONS ON QUESTIONS.

Question No. 52: Regarding Extension granted to Labour Commissioner.

* Sri R. K. PRASAD (Bangarpet).—Mr. Speaker, Sir, I am much obliged to you for having given me an occasion to raise discussion on question No. 52. At the very outset, I would like to draw the Government's attention to the Chief Minister's assurance on the floor of this Assembly that extensions will not be given in the normal course of events. So, it is the duty of the Government to explain to this House under what extraordinary circumstances they gave extension to this Labour Commissioner. The post of Chief Inspector of Factories is clubbed along with the Labour Commissioner. I had put the question about his qualifications and the Government have been pleased to answer that the question is vague. What I wanted to know was being the Chief Inspector of